

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

RICHARD GILMAN,

Plaintiff,

No. CIV S-04-0035 DFL KJM P

vs.

EDWARD S. ALAMEDIA,

Defendants.

ORDER

Plaintiff is a state prisoner proceeding pro se with an action for violation of civil rights under 42 U.S.C. § 1983. On September 9, 2005, plaintiff filed a request for an extension of time to file an opposition to defendant's August 26, 2005 motion to dismiss. Good cause appearing, plaintiff's request will be granted and his October 7, 2005 opposition will be deemed timely.

Also, on October 7, 2005, plaintiff filed a "request for clarification" of this court's May 20, 2005 screening order. The court deems this a request for reconsideration of the May 20, 2005 order. So construed, "the request for clarification" will be denied as untimely. See Local Rule 72-303(b).¹

¹ In his request for clarification, plaintiff incorrectly claims that the court failed to make any findings regarding plaintiff's claims against any defendant except defendant Zhu. The court

Accordingly, IT IS HEREBY ORDERED that:

1. Plaintiff's September 9, 2005 request for an extension of time is granted; and

2. Plaintiff's October 7, 2005 opposition to defendant's August 26, 2005 motion to dismiss is deemed timely; and

3. Plaintiff's October 7, 2005 "request for clarification" is denied.

DATED: October 19, 2005.


UNITED STATES MAGISTRATE JUDGE

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specifically found that plaintiff's amended complaint fails to state any claim against any defendant except for plaintiff's Eighth Amendment claim against defendant Zhu. See May 20, 2005 Order at 1:20-2:2:1 & n.1. As with plaintiff's original complaint, plaintiff failed to allege in his amended complaint that any other defendant committed any overt act that led to plaintiff suffering any medical problems. See November 1, 2004 Order at 3:3-10. Plaintiff was informed of this deficiency in his original complaint, and given leave to correct the problem in an amended complaint, but did not do so.